

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL L'HEUREUX,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a Delaware
corporation;

Defendant.

8:23CV327

**FINAL PROGRESSION ORDER
(AMENDED)**

The Court held a status conference with counsel for the parties on February 6, 2025. The Court now grants Defendant's Unopposed Motion to Modify the Final Progression Order, [Filing No. 33](#), for substantial good cause shown.

Accordingly,

IT IS ORDERED that the final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for June 10, 2025 is continued and will be held with the undersigned magistrate judge on **July 8, 2025 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is May 16, 2025. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by June 12, 2025.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), are:

For the defendant(s): March 27, 2025.

Plaintiff(s)' rebuttal: April 28, 2025.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is July 7, 2025.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is August 21, 2025.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is August 21, 2025.
- 7) **Motions in limine shall be filed twenty-eight days before trial.** It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. **Such requests will not be considered absent a substantial showing of good cause.**
- 9) All other deadlines and provisions in the Court's prior final progression orders not amended herein remain unchanged.

Dated this 6th day of February, 2025.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.